

107TH CONGRESS
2D SESSION

H. R. 5701

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2002

Mr. STRICKLAND introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mentally Ill Offender
5 Treatment and Crime Reduction Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) According to the Bureau of Justice Statis-
9 tics, over 16 percent of adults incarcerated in United
10 States jails and prisons have a mental illness.

1 (2) According to the Office of Juvenile Justice
2 and Delinquency Prevention, approximately 20 per-
3 cent of youth in the juvenile justice system have se-
4 rious mental health problems, and a significant
5 number have co-occurring mental health and sub-
6 stance abuse disorders.

7 (3) According to the National Alliance for the
8 Mentally Ill, up to 40 percent of adults who suffer
9 from a serious mental illness will come into contact
10 with the American criminal justice system at some
11 point in their lives.

12 (4) According to the Office of Juvenile Justice
13 and Delinquency Prevention, over 150,000 juveniles
14 who come into contact with the juvenile justice sys-
15 tem each year meet the diagnostic criteria for at
16 least 1 mental or emotional disorder.

17 (5) A significant proportion of adults with a se-
18 rious mental illness who are involved with the crimi-
19 nal justice system are homeless or at imminent risk
20 of homelessness; and many of these individuals are
21 arrested and jailed for minor, nonviolent offenses.

22 (6) The majority of individuals with a mental
23 illness or emotional disorder who are involved in the
24 criminal or juvenile justice systems are responsive to

1 medical and psychological interventions that inte-
2 grate treatment, rehabilitation, and support services.

3 (7) According to the Bureau of Justice Statis-
4 tics, as of July 1999, 75 percent of mentally ill in-
5 mates had previously been sentenced at least once to
6 time in prison or jail or probation.

7 (8) Collaborative programs between mental
8 health, substance abuse, and criminal or juvenile
9 justice systems that ensure the provision of services
10 for those with mental illness or co-occurring mental
11 illness and substance abuse disorders can reduce the
12 number of such individuals in adult and juvenile cor-
13 rections facilities, while providing improved public
14 safety.

15 **SEC. 3. PURPOSE.**

16 The purpose of this Act is to increase public safety
17 by facilitating collaboration among the criminal justice, ju-
18 venile justice, mental health treatment, and substance
19 abuse systems. Such collaboration is needed to—

20 (1) reduce rearrests among adult and juvenile
21 offenders with mental illness, or co-occurring mental
22 illness and substance abuse disorders;

23 (2) provide courts, including existing and new
24 mental health courts, with appropriate mental health
25 and substance abuse treatment options;

1 (3) maximize the use of alternatives to prosecu-
2 tion through diversion in appropriate cases involving
3 non-violent offenders with mental illness;

4 (4) promote adequate training for criminal jus-
5 tice system personnel about mental illness and sub-
6 stance abuse disorders and the appropriate response
7 to people with such illnesses;

8 (5) promote adequate training for mental health
9 treatment personnel about criminal offenders with
10 mental illness and the appropriate response to such
11 offenders in the criminal justice system; and

12 (6) promote communication between criminal
13 justice or juvenile justice personnel, mental health
14 treatment personnel, nonviolent offenders with men-
15 tal illness, and other support services such as hous-
16 ing, job placement, community, and faith-based or-
17 ganizations.

18 **SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND**
19 **CRIMINAL JUSTICE COLLABORATION PRO-**
20 **GRAM.**

21 (a) IN GENERAL.—Title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
23 et seq.) is amended by adding at the end the following:

1 **“PART HH—ADULT AND JUVENILE**

2 **COLLABORATION PROGRAM GRANTS**

3 **“SEC. 2991. ADULT AND JUVENILE COLLABORATION PRO-**
4 **GRAMS.**

5 “(a) DEFINITIONS.—In this section, the following
6 definitions shall apply:

7 “(1) APPLICANT.—The term ‘applicant’ means
8 States, units of local government, Indian tribes, and
9 tribal organizations that apply for a grant under this
10 section.

11 “(2) COLLABORATION PROGRAM.—The term
12 ‘collaboration program’ means a program to promote
13 public safety by ensuring access to adequate mental
14 health and other treatment services for mentally ill
15 adults or juveniles that is overseen cooperatively
16 by—

17 “(A) a criminal justice agency, a juvenile
18 justice agency, or a mental health court; and

19 “(B) a mental health agency.

20 “(3) CRIMINAL OR JUVENILE JUSTICE AGEN-
21 CY.—The term ‘criminal or juvenile justice agency’
22 means an agency of a State or local government that
23 is responsible for detection, arrest, enforcement,
24 prosecution, defense, adjudication, incarceration,
25 probation, or parole relating to the violation of the
26 criminal laws of that State or local government.

1 “(4) DIVERSION.—The term ‘diversion’ means
2 the appropriate use of effective mental health treat-
3 ment alternatives to juvenile justice or criminal jus-
4 tice system institutional placements for adult offend-
5 ers with severe and persistent mental illness or juve-
6 nile offenders with serious mental or emotional dis-
7 orders.

8 “(5) MENTAL HEALTH AGENCY.—The term
9 ‘mental health agency’ means an agency of a State
10 or local government that is responsible for mental
11 health services.

12 “(6) MENTAL HEALTH COURT.—The term
13 ‘mental health court’ means a judicial program that
14 meets the requirements of part V of this title.

15 “(7) MENTAL ILLNESS.—The term ‘mental ill-
16 ness’ means a diagnosable mental, behavioral, or
17 emotional disorder—

18 “(A) of sufficient duration to meet diag-
19 nostic criteria within the most recent edition of
20 the Diagnostic and Statistical Manual of Men-
21 tal Disorders published by the American Psy-
22 chiatric Association; and

23 “(B) that has resulted in functional im-
24 pairment that substantially interferes with or
25 limits 1 or more major life activities;

1 “(8) PRELIMINARILY QUALIFIED OFFENDER.—

2 The term ‘preliminarily qualified offender’ means an
3 adult or juvenile who—

4 “(A)(i) previously or currently has been di-
5 agnosed by a qualified mental health profes-
6 sional as having a mental illness or co-occurring
7 mental illness and substance abuse disorders; or

8 “(ii) manifests obvious signs of mental ill-
9 ness or co-occurring mental illness and sub-
10 stance abuse disorders during arrest or confine-
11 ment or before any court; and

12 “(B) has faced or is facing criminal
13 charges and is deemed eligible by a designated
14 pretrial screening and diversion process, or by
15 a magistrate or judge.

16 “(9) SECRETARY.—The term ‘Secretary’ means
17 the Secretary of the Department of Health and
18 Human Services.

19 “(10) UNIT OF LOCAL GOVERNMENT.—The
20 term ‘unit of local government’ means any city,
21 county, township, town, borough, parish, village, or
22 other general purpose political subdivision of a
23 State, including a State court, local court, or a gov-
24 ernmental agency located within a city, county,
25 township, town, borough, parish, or village.

1 “(b) PLANNING AND IMPLEMENTATION GRANTS.—

2 “(1) IN GENERAL.—The Attorney General, in
3 consultation with the Secretary, may award non-
4 renewable grants to eligible applicants to prepare a
5 comprehensive plan for and implement an adult or
6 juvenile collaboration program, which targets adults
7 or juveniles with mental illness or co-occurring men-
8 tal illness and substance abuse disorders in order to
9 promote public safety and public health.

10 “(2) PURPOSES.—Grants awarded under this
11 section shall be used to create or expand—

12 “(A) mental health courts;

13 “(B) programs that offer specialized train-
14 ing to the officers and employees of a criminal
15 or juvenile justice agency and mental health
16 personnel in procedures for identifying the
17 symptoms of mental illness and co-occurring
18 mental illness and substance abuse disorders in
19 order to respond appropriately to individuals
20 with such illnesses; and

21 “(C) programs that support cooperative ef-
22 forts by criminal and juvenile justice agencies
23 and mental health agencies to promote public
24 safety by offering mental health treatment serv-

ices and, where appropriate, substance abuse treatment services for—

“(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders;

“(ii) juveniles and adults with mental illness for whom diversion is appropriate; or

“(iii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities.

“(3) APPLICATIONS.—

“(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

“(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attor-

1 ney General shall develop a procedure under
2 which applicants may apply at the same time
3 and in a single application for a planning grant
4 and an implementation grant, with receipt of
5 the implementation grant conditioned on suc-
6 cessful completion of the activities funded by
7 the planning grant.

8 “(4) PLANNING GRANTS.—

9 “(A) APPLICATION.—The joint applicants
10 may apply to the Attorney General for a non-
11 renewable planning grant to develop a collabo-
12 ration program.

13 “(B) CONTENTS.—The Attorney General
14 may not approve a planning grant unless the
15 application for the grant includes or provides,
16 at a minimum, for a budget and a budget jus-
17 tification, a description of the outcome meas-
18 ures that will be used to measure the effective-
19 ness of the program in promoting public safety
20 and public health, the activities proposed (in-
21 cluding the provision of substance abuse treat-
22 ment services, where appropriate) and a sched-
23 ule for completion of such activities, and the
24 personnel necessary to complete such activities.

1 “(C) PERIOD OF GRANT.—A planning
2 grant shall be effective for a period of 1 year,
3 beginning on the first day of the month in
4 which the planning grant is made. Applicants
5 may not receive more than 1 such planning
6 grant.

7 “(D) AMOUNT.—The amount of a plan-
8 ning grant may not exceed \$75,000, except that
9 the Attorney General may, for good cause, ap-
10 prove a grant in a higher amount.

11 “(5) IMPLEMENTATION GRANTS.—

12 “(A) APPLICATION.—Joint applicants that
13 have prepared a planning grant application may
14 apply to the Attorney General for approval of a
15 nonrenewable implementation grant to develop
16 a collaboration program.

17 “(B) COLLABORATION.—To receive an im-
18 plementation grant, the joint applicants shall—

19 “(i) document that at least 1 criminal
20 or juvenile justice agency (which can in-
21 clude a mental health court) and 1 mental
22 health agency will participate in the ad-
23 ministration of the collaboration program;

24 “(ii) describe the responsibilities of
25 each participating agency, including how

1 each agency will use grant resources to
2 jointly ensure that the provision of mental
3 health treatment services is integrated with
4 the provision of substance abuse treatment
5 services, where appropriate;

6 “(iii) in the case of an application
7 from a unit of local government, document
8 that a State mental health authority has
9 provided comment and review; and

10 “(iv) involve, to the extent practicable,
11 in developing the grant application—

12 “(I) individuals with mental ill-
13 ness or co-occurring mental illness
14 and substance abuse disorders; or

15 “(II) the families or advocates of
16 such individuals under subclause (I).

17 “(C) CONTENT.—To be eligible for an im-
18 plementation grant, joint applicants shall com-
19 ply with the following:

20 “(i) DEFINITION OF TARGET POPU-
21 LATION.—Applicants for an implementa-
22 tion grant shall—

23 “(I) describe the population with
24 mental illness or co-occurring mental
25 illness and substance abuse disorders

1 that is targeted for the collaboration
2 program; and

3 “(II) develop guidelines that can
4 be used by personnel of a criminal or
5 juvenile justice agency to identify indi-
6 viduals with mental illness or co-oc-
7 ccurring mental illness and substance
8 abuse disorders.

9 “(ii) SERVICES.—Applicants for an
10 implementation grant shall—

11 “(I) ensure that offenders with
12 mental illness who are to receive serv-
13 ices under the collaboration program
14 will first receive individualized, needs-
15 based assessments to determine, plan,
16 and coordinate the most appropriate
17 services for such individuals;

18 “(II) specify plans for making
19 mental health treatment services
20 available and accessible to mentally ill
21 offenders at the time of their release
22 from the criminal justice system, in-
23 cluding outside of normal business
24 hours;

1 “(III) ensure that mentally ill of-
2 fenders served by the collaboration
3 program will have access to commu-
4 nity-based mental health services,
5 such as crisis intervention, case man-
6 agement, assertive community treat-
7 ment, medications, medication man-
8 agement, psychiatric rehabilitation,
9 peer support, or, where appropriate,
10 integrated substance abuse treatment
11 services;

12 “(IV) make available, to the ex-
13 tent practicable, individualized mental
14 health treatment services, other sup-
15 port services (such as housing, edu-
16 cation, job placement, mentoring, or
17 health care), benefits (such as dis-
18 ability income, disability insurance,
19 and medicaid, where appropriate), and
20 the services of faith-based and com-
21 munity organizations for mentally ill
22 individuals served by the collaboration
23 program; and

24 “(V) include strategies to address
25 developmental and learning disabilities

1 and problems arising from a docu-
2 mented history of physical or sexual
3 abuse, if the population targeted for
4 the collaboration program includes ju-
5 veniles with mental illness.

6 “(D) HOUSING AND JOB PLACEMENT.—
7 Recipients of an implementation grant may use
8 grant funds to assist mentally ill offenders com-
9 pliant with the program in seeking housing or
10 employment assistance.

11 “(E) POLICIES AND PROCEDURES.—Appli-
12 cants for an implementation grant shall strive
13 to ensure prompt access to defense counsel by
14 criminal defendants with mental illness who are
15 facing charges that would trigger a constitu-
16 tional right to counsel.

17 “(F) FINANCIAL.—Applicants for an im-
18 plementation grant shall—

19 “(i) explain the applicant’s inability to
20 fund the collaboration program adequately
21 without Federal assistance;

22 “(ii) specify how the Federal support
23 provided will be used to supplement, and
24 not supplant, State, local, Indian tribe, or
25 tribal organization sources of funding that

1 would otherwise be available, including bill-
2 ing third-party resources for services al-
3 ready covered under programs (such as
4 medicaid, medicare, and the State Chil-
5 dren’s Insurance Program); and

6 “(iii) outline plans for obtaining nec-
7 essary support and continuing the pro-
8 posed collaboration program following the
9 conclusion of Federal support.

10 “(G) OUTCOMES.—Applicants for an im-
11 plementation grant shall—

12 “(i) identify methodology and outcome
13 measures, as required by the Attorney
14 General and the Secretary, to be used in
15 evaluating the effectiveness of the collabo-
16 ration program;

17 “(ii) ensure mechanisms are in place
18 to capture data, consistent with the meth-
19 odology and outcome measures under
20 clause (i); and

21 “(iii) submit specific agreements from
22 affected agencies to provide the data need-
23 ed by the Attorney General and the Sec-
24 retary to accomplish the evaluation under
25 clause (i).

1 “(H) STATE PLANS.—Applicants for an
2 implementation grant shall describe how the
3 adult or juvenile collaboration program relates
4 to existing State criminal or juvenile justice and
5 mental health plans and programs.

6 “(I) USE OF FUNDS.—Applicants that re-
7 ceive an implementation grant may use funds
8 for 1 or more of the following purposes:

9 “(i) MENTAL HEALTH COURTS AND
10 DIVERSION.—Funds may be used to create
11 or expand existing mental health courts
12 that meet program requirements estab-
13 lished by the Attorney General under part
14 V of this title or diversion programs (in-
15 cluding crisis intervention teams and treat-
16 ment accountability services for commu-
17 nities) that meet requirements established
18 by the Attorney General and the Secretary.

19 “(ii) TRAINING.—Funds may be used
20 to create or expand programs, such as cri-
21 sis intervention training, which offer spe-
22 cialized training to—

23 “(I) criminal justice system per-
24 sonnel to identify and respond appro-
25 priately to the unique needs of an

1 adult or juvenile with mental illness or
2 co-occurring mental illness and sub-
3 stance abuse disorders; or

4 “(II) mental health system per-
5 sonnel to respond appropriately to the
6 treatment needs of criminal offenders
7 with mental illness or co-occurring
8 mental illness and substance abuse
9 disorders.

10 “(iii) SERVICE DELIVERY.—Funds
11 may be used to create or expand local
12 treatment programs that promote public
13 safety by serving individuals with mental
14 illness or co-occurring mental illness and
15 substance abuse disorders.

16 “(iv) IN-JAIL AND TRANSITIONAL
17 SERVICES.—Funds may be used to pro-
18 mote and provide mental health treatment
19 for those incarcerated or for transitional
20 re-entry programs for those released from
21 any penal or correctional institution.

22 “(J) GEOGRAPHIC DISTRIBUTION.—The
23 Attorney General, in consultation with the Sec-
24 retary, shall ensure that implementation grants
25 are equitably distributed among the geo-

1 graphical regions of the United States and be-
2 tween urban and rural populations.

3 “(c) PRIORITY.—The Attorney General, in awarding
4 funds under this section, shall give priority to applications
5 that—

6 “(1) demonstrate the strongest commitment to
7 ensuring that such funds are used to promote both
8 public health and public safety;

9 “(2) demonstrate the active participation of
10 each co-applicant in the administration of the col-
11 laboration program; and

12 “(3) have the support of both the Attorney
13 General and the Secretary.

14 “(d) MATCHING REQUIREMENTS.—

15 “(1) FEDERAL SHARE.—The Federal share of
16 the cost of a collaboration program carried out by a
17 State, unit of local government, Indian tribe, or trib-
18 al organization under this section shall not exceed—

19 “(A) 80 percent of the total cost of the
20 program during the first 2 years of the grant;

21 “(B) 60 percent of the total cost of the
22 program in year 3; and

23 “(C) 25 percent of the total cost of the
24 program in years 4 and 5.

1 “(2) NON-FEDERAL SHARE.—The non-Federal
2 share of payments made under this section may be
3 made in cash or in-kind fairly evaluated, including
4 planned equipment or services.

5 “(e) FEDERAL USE OF FUNDS.—The Attorney Gen-
6 eral, in consultation with the Secretary, in administering
7 grants under this section, may use up to 3 percent of
8 funds appropriated to—

9 “(1) research the use of alternatives to prosecu-
10 tion through pretrial diversion in appropriate cases
11 involving individuals with mental illness;

12 “(2) offer specialized training to personnel of
13 criminal and juvenile justice agencies in appropriate
14 diversion techniques;

15 “(3) provide technical assistance to local gov-
16 ernments, mental health courts, and diversion pro-
17 grams, including technical assistance relating to pro-
18 gram evaluation;

19 “(4) help localities build public understanding
20 and support for community reintegration of individ-
21 uals with mental illness;

22 “(5) develop a uniform program evaluation
23 process; and

1 “(6) conduct a national evaluation of the col-
2 laboration program that will include an assessment
3 of its cost-effectiveness.

4 “(f) INTERAGENCY TASK FORCE.—

5 “(1) IN GENERAL.—The Attorney General and
6 the Secretary shall establish an interagency task
7 force with the Secretaries of Housing and Urban
8 Development, Labor, Education, and Veterans Af-
9 fairs and the Commissioner of Social Security, or
10 their designees.

11 “(2) RESPONSIBILITIES.—The task force estab-
12 lished under paragraph (1) shall—

13 “(A) identify policies within their depart-
14 ments which hinder or facilitate local collabo-
15 rative initiatives for adults or juveniles with
16 mental illness or co-occurring mental illness and
17 substance abuse disorders; and

18 “(B) submit, not later than 2 years after
19 the date of enactment of this section, a report
20 to Congress containing recommendations for
21 improved interdepartmental collaboration re-
22 garding the provision of services to adults and
23 juveniles with mental illness or co-occurring
24 mental illness and substance abuse disorders.

1 “(g) MINIMUM ALLOCATION.—Unless all eligible ap-
2 plications submitted by any State or unit of local govern-
3 ment within such State for a planning or implementation
4 grant under this section have been funded, such State, to-
5 gether with grantees within the State (other than Indian
6 tribes), shall be allocated in each fiscal year under this
7 section not less than 0.75 percent of the total amount ap-
8 propriated in the fiscal year for planning or implementa-
9 tion grants pursuant to this section.

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Department of
12 Justice to carry out this section—

13 “(1) \$100,000,000 for each of fiscal years 2003
14 and 2004; and

15 “(2) such sums as may be necessary for fiscal
16 years 2005 through 2007.”.

17 (b) LIST OF “BEST PRACTICES”.—The Attorney
18 General, in consultation with the Secretary of Health and
19 Human Services, shall develop a list of “best practices”
20 for appropriate diversion from incarceration of adult and
21 juvenile offenders.

22 (c) TECHNICAL AMENDMENT.—The table of contents
23 of title I of the Omnibus Crime Control and Safe Streets
24 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by add-
25 ing at the end the following:

“PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

“Sec. 2991. Adult and juvenile collaboration programs.”.

